

Danielle Murphy

From: Danielle Murphy
Sent: Wednesday, February 17, 2021 11:44 AM
To: (b) (6), (b) (7)(C)@pfizer.com; Jeffrey, Edward V. (White Plains)
Cc: Randy Vehar; 'Rose, Allen'
Subject: Pfizer, Case 02-RD-272206 - Local 527C's Statement of Position
Attachments: 527C Statement of Position .pdf

Importance: High

Attached please find International Chemical Workers Union Council Local Union No. 527-C's Statement of Position which was e-filed in the above-referenced matter moments ago.

CERTIFICATE OF SERVICE

I hereby certify that I e-filed ICWUC Local Union No. 527-C's Statement of Position via the NLRB's e-filing system prior to noon on February 17, 2021 and served it on the following parties via e-mail:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@pfizer.com

Edward V. Jeffrey
Jackson Lewis P.C.
44 South Broadway
14th Floor
White Plains, NY 10601
Direct: (914) 872-6883 | Main: (914) 872-8060
Edward.Jeffrey@jacksonlewis.com

Thank you.

Danielle L. Murphy

UFCW Assistant General Counsel
ICWUC/UFCW Legal Department, 6th floor
1655 W. Market Street
Akron, OH 44313
330/926-1444 Ext. 138
330/926-0950 Fax
330/631-8194 Cell
DMurphy@icwuc.org
DMurphy@ufcw.org (alt. email)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.
02-RD-272206

Date Filed

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.

1a. Full name of party filing Statement of Position: International Chemical Workers Union Council Local Union No. 527-C		1c. Business Phone: (b) (6), (b) (7)(C)	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code): 4000 Bordentown Ave. Suite #19 Sayreville, New Jersey 08872		1d. Cell No.: (b) (6), (b) (7)(C)	1f. e-Mail Address: (b) (6), (b) (7)(C)
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If not, answer 3a and 3b.)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.) The Unit Description proposed is not in line with the recognition clause provided for in the parties' collective bargaining agreement. See Attachment A.			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit. Added: See Attachment A.		Excluded: See Attachment A.	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility. N/A			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing. N/A			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015 (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit. (Attachment D).			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s): February 26, 2021 mail out	8c. Time(s): Before EOB	8d. Location(s): NLRB Office	
8e. Eligibility Period (e.g. special eligibility formula): Pay period ending right before date of petition filed (2/3/21)	8f. Last Payroll Period Ending Date:	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative Danielle Murphy, UFCW Asst. General Counsel		9b. Signature of authorized representative 	9c. Date 02/17/21
9d. Address (Street and number, city, state, and ZIP code) 1655 W. Market Street ICWUC/UFCW Legal Department, 6th Floor Akron, Ohio 44313		9e. e-Mail Address dmurphy@icwuc.org	
9f. Business Phone No.: 330-926-1444 Ext. 138	9g. Fax No.: 330-926-0950	9h. Cell No.: 330-631-8194	

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.65(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

ATTACHMENT A
TO ICWUC LOCAL 527-C'S STATEMENT OF POSITION
IN NLRB CASE NO. 02-RD-272206

3(b)

The parties' recognition clause in the current collective bargaining agreement, dated January 16, 2018 through January 15, 2021, which was extended until March 31, 2021, states as follows:

ARTICLE I-UNION RECOGNITION

1. 1 The Company recognizes the Union as the exclusive bargaining agent for the employees of the Company who are included in the appropriate bargaining unit, as defined by the National Labor Relations Board in its election order of July 11, 1942, and clarified in Section 1.2 hereinafter, in respect to rates of pay, hours of work, and all other conditions of employment.

1.2 This agreement shall cover all employees of the Company at the Pearl River Location, excluding administrative, business support, and exempt employees. "Employee" or "employees" as used in this agreement, refers to employees covered by the agreement as defined above.

The Union proposes to use either the language, as written, above, or the following:

INCLUDED: All full-time and regular part time employees employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Pfizer

Employer

and

(b) (6), (b) (7)(C)

Case 02-RD-272206

Petitioner

and

Union

REPORT ON INVESTIGATION OF INTEREST

The undersigned agent of the National Labor Relations Board has investigated the evidence of representation submitted by the Petitioner and/or labor organization(s) claiming an interest in the above case. The statistical results of this investigation are set forth below.

1. The following organizations were requested in writing on the indicated dates to submit evidence of representation, if any, but have failed to do so. <i>If none, so state.</i>				
Name and Affiliation of Labor Organization			Date of Request	
Mark either 2a or 2b, as applicable.				
a.	Designation and payroll information pertaining to the unit claimed appropriate by the labor organization listed in the first column according to a <u>Complete</u> <u>Spot</u> check of the Employer's payroll for the period ending (Date) _____.			
b.	Although requested, no payroll list submitted.			
Name of Union/Petitioner (Abbreviate)	Type of Unit Claimed Appropriate	# Employees in Unit	% of names in unit on payroll list among the timely designations submitted by Union/Petitioner OR % of employees in unit based on "No. of Employees in Unit" listed on the face of the petition. Indicate Category 1 (Less than 10%), Category 2 (10-29.9%), or 3 (30% or above). If interest is based on contract, so state.	
A	Standard	14	Union A/Petitioner Category 3 Designations are current: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
B			Union B Category _____ Designations are current: <input type="checkbox"/> Yes <input type="checkbox"/> No	
C International Chemical Workers Union Council Local 527C			Union C Category _____ Designations are current: <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Unit(s), different from those set forth above, the Employer contends appropriate.				
Type of Unit Claimed Appropriate	# Employees in Unit	Union A	Union B	Union C
		Category:	Category:	Category:

Date: 2/12/2021 **Agent Name:** Allen Rose

From: (b) (6), (b) (7)(C)
To: [Rose, Allen](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Friday, February 19, 2021 5:42:25 AM

Mr. Rose,

That is ok with me and I will waive the 10 day review period. Also, I have printed out and initialed/signed the stipulated election agreement and I will be sending that out this morning.

Thanks,

(b) (6), (b) (7)(C)

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Thursday, February 18, 2021 4:27 PM
To: (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Subject: [EXTERNAL] RE: Pfizer, Case 02-RD-272206

(b) (6), (b) (7)(C)

A petitioner normally has 10 days to review the voting list before the mail ballots are sent out. You will have less time because the date of mailing currently in the stipulation is February 26. Therefore, you must tell me if you waive the portion of the 10-day period necessary such that we can keep the date of mailing as February 26, 2021.

--Allen Rose

From: (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Sent: Thursday, February 18, 2021 3:44 PM
To: Rose, Allen <Allen.Rose@nlrb.gov>; Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: RE: Pfizer, Case 02-RD-272206

It is acceptable to me.

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Thursday, February 18, 2021 11:14 AM
To: Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>
Cc: Randy Vehar <rvehar@icwuc.org>; (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Subject: [EXTERNAL] RE: Pfizer, Case 02-RD-272206

Is this acceptable to the other parties? Please let me know as soon as possible. Thank you.

From: Danielle Murphy <dmurphy@icwuc.org>
Sent: Thursday, February 18, 2021 8:50 AM
To: Rose, Allen <Allen.Rose@nrlrb.gov>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>
Cc: Randy Vehar <rvehar@icwuc.org> (b) (6), (b) (7)(C) <[\[REDACTED\]@pfizer.com](mailto:[REDACTED]@pfizer.com)>
Subject: RE: Pfizer, Case 02-RD-272206

All –

The Union is not interested in straying from the current recognition clause in the CBA. Therefore, we'd proposed the following:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' covered by the collective bargaining agreement, between the parties and employed by the Employer at its facility located at 401 North Middletown Road, Pearl River Location in, New York

EXCLUDED: All ~~other employees, including~~ administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

For a cleaner version:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

Thank you.

Danielle L. Murphy
UFCW Assistant General Counsel
ICWUC/UFCW Legal Department, 6th floor
1655 W. Market Street
Akron, OH 44313
330/926-1444 Ext. 138
330/926-0950 Fax
330/631-8194 Cell
DMurphy@icwuc.org
DMurphy@ufcw.org (alt. email)

From: Rose, Allen <Allen.Rose@nrlrb.gov>
Sent: Wednesday, February 17, 2021 12:57 PM
To: Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>
Cc: Danielle Murphy <dmurphy@icwuc.org>; Randy Vehar <rvehar@icwuc.org>; (b) (6), (b) (7)(C) <[\[REDACTED\]@pfizer.com](mailto:[REDACTED]@pfizer.com)>
Subject: RE: Pfizer, Case 02-RD-272206

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Will the other parties please provide their opinions on this?

From: Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>
Sent: Wednesday, February 17, 2021 12:39 PM
To: Rose, Allen <Allen.Rose@nrlb.gov>
Cc: Danielle Murphy <dmurphy@icwuc.org>; Randy Vehar <rvehar@icwuc.org>;
(b) (6), (b) (7)(C) <@pfizer.com>
Subject: RE: Pfizer, Case 02-RD-272206

Mr. Rose:

The contract language us from a time when the Employer had a much larger operation, including manufacturing, on site. That was a long time ago. For the sake of clarity, we suggest the following:

INCLUDED: All full-time and regular part time employees **covered by the collective bargaining agreement between the parties and** employed by the Employer at its facility located at 401 North Middletown Road, Pearl River, New York

EXCLUDED: All other employees, including administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

We are not sure why it would be important to remove the address, but that wouldn't matter if we reference the contract. Also, we do not object to removing the reference to "all other employees" if we reference the contract. The reference to the contract is the one way to make this clear.

We made a minor change to the commerce language, below:

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

Ed

[Edward V. Jeffrey](#)

Attorney at Law

Jackson Lewis P.C.

44 South Broadway

14th Floor

White Plains, NY 10601

Direct: [\(914\) 872-6883](tel:914-872-6883) | Main: (914) 872-8060

Edward.Jeffrey@jacksonlewis.com | www.jacksonlewis.com

[Visit our resource page](#) for information and guidance on COVID-19's workplace implications

From: Rose, Allen <Allen.Rose@nrlrb.gov>
Sent: Tuesday, February 16, 2021 2:29 PM
To: Danielle Murphy <dmurphy@icwuc.org>
Cc: Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; Randy Vehar <rvehar@icwuc.org>; (b) (6), (b) (7)(C) <[\(b\) \(6\), \(b\) \(7\)\(C\)@pfizer.com](mailto:(b) (6), (b) (7)(C)@pfizer.com)>
Subject: RE: Pfizer, Case 02-RD-272206

[EXTERNAL SENDER]

Mr. Jeffery,
Waiting to hear from you on this, as well as on the commerce paragraph.

From: Danielle Murphy <dmurphy@icwuc.org>
Sent: Tuesday, February 16, 2021 2:24 PM
To: Rose, Allen <Allen.Rose@nrlrb.gov>
Cc: Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; Randy Vehar <rvehar@icwuc.org>; (b) (6), (b) (7)(C) <[\(b\) \(6\), \(b\) \(7\)\(C\)@pfizer.com](mailto:(b) (6), (b) (7)(C)@pfizer.com)>
Subject: RE: Pfizer, Case 02-RD-272206

Allen –

After discussion with the group on my end, the Union proposes the following for the stip:

INCLUDED: All full-time and regular part time employees employed by the Employer at its facility located at 401 North Middletown Road, Pearl River Location in New York.

EXCLUDED: All other employees, including administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

This seems closer in line with the CBA's recognition article. Thank you!

Danielle L. Murphy
UFCW Assistant General Counsel
ICWUC/UFCW Legal Department, 6th floor
1655 W. Market Street
Akron, OH 44313
330/926-1444 Ext. 138
330/926-0950 Fax
330/631-8194 Cell
DMurphy@icwuc.org
DMurphy@ufcw.org (alt. email)

From: Rose, Allen <Allen.Rose@nlrb.gov>

Sent: Tuesday, February 16, 2021 12:34 PM

To: Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; Danielle Murphy <dmurphy@icwuc.org>; Randy Vehar <rvehar@icwuc.org>; (b) (6), (b) (7)(C) <[\[REDACTED\]@pfizer.com](mailto:[REDACTED]@pfizer.com)>

Subject: RE: Pfizer, Case 02-RD-272206

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Parties,

Please review the following agreement language and let me know if it is acceptable.

1. Unit description.

INCLUDED: All full-time and regular part time employees employed by the Employer at its facility located at 401 North Middletown Road, Pearl River, New York.

EXCLUDED: All other employees, including administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

2. Commerce facts.

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription human and consumer healthcare products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

From: [Danielle Murphy](#)
To: [Rose, Allen](#)
Cc: [Randy Vehar](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Friday, February 19, 2021 11:13:21 AM
Attachments: [AGR.Pfizer.02-RD-272206 - Signed by 527C.pdf](#)

Allen –

Attached is a signed stipulated election agreement on behalf of Local 527C. Additionally, Local 527C agrees to waive the portion of the 10-day window so that the ballots can be sent on February 26, 2021.

Thank you.

Danielle L. Murphy
UFCW Assistant General Counsel
ICWUC/UFCW Legal Department, 6th floor
1655 W. Market Street
Akron, OH 44313
330/926-1444 Ext. 138
330/926-0950 Fax
330/631-8194 Cell
DMurphy@icwuc.org
DMurphy@ufcw.org (alt. email)

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Thursday, February 18, 2021 2:13 PM
To: Danielle Murphy <dmurphy@icwuc.org>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: RE: Pfizer, Case 02-RD-272206

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danielle,

A union normally has 10 days to review the voting list before the mail ballots are sent out. The Union here will have less time because the date of mailing currently in the stipulation is February 26. Therefore, you must tell me if the Union waives the portion of the 10-day period necessary such that we can keep the date of mailing as February 26, 2021.

--Allen Rose

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Pfizer

Case 02-RD-272206

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

3. LABOR ORGANIZATION. International Chemical Workers Union Council/UFCW Local 527C is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, February 14, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees

Initial _____

an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

5. ELECTION. The election will be conducted by United States mail. On **Friday, February 26, 2021**, the mail ballots will be mailed by the National Labor Relations Board, Region 02, to employees employed in the appropriate collective-bargaining unit.

Voters must sign in the signature box on the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void. Please refer to the instruction sheet for an example of where to sign.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on **Friday, March 19, 2021**.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Friday, March 5, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board either by calling the Region 02 office at (212)-264-0300, or by calling (212) 776-8616, or by contacting Region 02 at allen.rose@nrlb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel, restrictions, social distancing and limits on the size of gathering of individuals, the parties agree that the ballot count will take place on a date, to be determined by the Regional Director during the period from **Friday, April 2, 2021, to Friday, April 9, 2021**, inclusive. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director. The parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

Initials: _____

(b) (6), (b) (7)(C)

the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Chemical Workers Union Council/UFCW Local 527C ?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Mikele Simkins, 401 N. Middletown Road, Pearl River, New York 10965; tel. 845-602-5748; email: mikele.simkins@pfizer.com.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

(b) (6), (b) (7)(C)

Initials: _____

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Pfizer, Inc.
(Employer)

(b) (6), (b) (7)(C)
(Petitioner)

By: _____
(Signature) (Date)

By: _____
(Signature) (Date)

Print Name: _____

Print Name: _____

International Chemical Workers Union
Council/UFCW Local 527C

(b) (6), (b) (7)(C) ion)

By: _____ **2/19/2021**
(Signature) (Date)

Print Name: **(b) (6), (b) (7)(C)**

Recommended: _____
Allen M. Rose, Date
Senior Field Attorney

Date Approved: _____

John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: _____ **(b) (6), (b) (7)(C)**
Page 4

From: (b) (6), (b) (7)(C)
To: [Rose, Allen](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Tuesday, February 23, 2021 4:18:22 PM
Attachments: [amended agreement feb 23 PFE Scan.pdf](#)

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Tuesday, February 23, 2021 3:47 PM
To: Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; (b) (6), (b) (7)(C) @pfizer.com>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: [EXTERNAL] Pfizer, Case 02-RD-272206

Parties,

I attach what I believe is the final version of the stipulated election agreement. It incorporates the dates proposed by the Union in its email of today and agreed to by the Employer. It also changes the payroll ending date necessitated by the revision. Do not forget to initial the bottom corner of each page where indicated, in addition to signing.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Pfizer

Case 02-RD-272206

The parties **AGREE AS FOLLOWS:**

1. **PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. **COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

3. **LABOR ORGANIZATION.** International Chemical Workers Union Council/UFCW Local 527C is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. **UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, February 21, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in

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If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

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11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

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Initials: _____

(b) (6), (b) (7)(C)

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Pfizer, Inc.
(Employer)

(b) (6), (b) (7)(C)
(Petitioner)

By: _____
(Signature) (Date)

By: **(b) (6), (b) (7)(C)** Feb 23, 2024
(Date)

Print Name: _____

Print Name: **(b) (6), (b) (7)(C)**

International Chemical Workers Union
Council/UFCW Local 527C
(Labor Organization)

By: _____
(Signature) (Date)

Print Name: _____

Recommended: _____
Allen M. Rose, Date
Senior Field Attorney

Date Approved: _____

John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: _____

From: [Danielle Murphy](#)
To: [Rose, Allen](#)
Cc: [Randy Vehar](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Tuesday, February 23, 2021 3:30:47 PM
Attachments: [AGR.Pfizer.02-RD-272206.SEA.02 23 2021.FINAL - Signed by 527C.pdf](#)

Allen –

Attached is a signed stipulated election agreement on behalf of Local 527C. Additionally, Local 527C agrees to waive the portion of the 10-day window so that the ballots can be sent on March 2, 2021. Now, hopefully, the employer will provide a signed stip so that we can move forward accordingly.

Thank you.

Danielle L. Murphy

UFCW Assistant General Counsel
ICWUC/UFCW Legal Department, 6th floor
1655 W. Market Street
Akron, OH 44313
330/926-1444 Ext. 138
330/926-0950 Fax
330/631-8194 Cell
DMurphy@icwuc.org
DMurphy@ufcw.org (alt. email)

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Cc: Randy Vehar <rvehar@icwuc.org>
Subject: Pfizer, Case 02-RD-272206

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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(Signature) (Date)

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Print Name: _____

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Council/UFCW Local 527C
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Recommended: _____
Allen M. Rose, Date
Senior Field Attorney

Date Approved: _____

John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: (b) (6), (b) (7)(C) _____

From: [Jeffrey, Edward V. \(White Plains\)](#)
To: [Rose, Allen](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Tuesday, February 23, 2021 4:01:55 PM
Attachments: [AGR.Pfizer.02-RD-272206.SEA.02 23 2021.FINAL \(Er Signed\).pdf](#)

Edward V. Jeffrey

Attorney at Law

Jackson Lewis P.C.

44 South Broadway

14th Floor

White Plains, NY 10601

Direct: (914) 872-6883 | Main: (914) 872-8060

Edward.Jeffrey@jacksonlewis.com | www.jacksonlewis.com

[Visit our resource page](#) for information and guidance on COVID-19's workplace implications

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(Signature) (Date)

By: _____
(Signature) (Date)

Print Name: Edward V. Jeffrey, as counsel

Print Name: _____

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(Signature) (Date)

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Date Approved: _____

John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: EVJ

SUBPOENA DUCES TECUM**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE _____

of the National Labor Relations Board

at _____

in the City of _____

on _____ at _____ or any adjourned

or rescheduled date to testify in Pfizer 02-RD-272206 on Thursday, Feb. 25, 2021
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-1BSI9WH

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at

Dated: February 23, 2021



 A handwritten signature in black ink that reads "Lauren McFerran".

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

SUBPOENA DUCES TECUM**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

_____ of the National Labor Relations Board

at _____

in the City of _____,

on Thursday, February 25, 2021 at 9:30 AM or any adjournedor rescheduled date to testify in Pfizer
02-RD-272206
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

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B-1-1BSJP5H

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Issued at

Dated: February 23, 2021



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Lauren McFerran, Chairman

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on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

From: (b) (6), (b) (7)(C)
To: [Rose, Allen](#)
Subject: RE: Pfizer, Case 02-RD-272206
Date: Wednesday, February 24, 2021 8:02:36 AM

Hi Mr. Rose,

Yes, that is correct. I choose to waive the 10-day review period, as I feel there should be no issues since there are only a total of 15 people in question on the voter list.

Thanks,

(b) (6), (b) (7)(C)

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Wednesday, February 24, 2021 8:47 AM
To: (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Subject: [EXTERNAL] RE: Pfizer, Case 02-RD-272206

(b) (6), (b) (7)(C),

Is it correct that you waive the portion 10-day period in which you are entitled to the voting list sufficient to keep the March 2 date of mailing?

From: (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Sent: Tuesday, February 23, 2021 5:18 PM
To: Rose, Allen <Allen.Rose@nlrb.gov>
Subject: RE: Pfizer, Case 02-RD-272206

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Tuesday, February 23, 2021 3:47 PM
To: Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; (b) (6), (b) (7)(C) <[REDACTED]@pfizer.com>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: [EXTERNAL] Pfizer, Case 02-RD-272206

Parties,

I attach what I believe is the final version of the stipulated election agreement. It incorporates the dates proposed by the Union in its email of today and agreed to by the Employer. It also changes the payroll ending date necessitated by the revision. Do not forget to initial the bottom corner of each page where indicated, in addition to signing.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Pfizer

Case 02-RD-272206

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

3. LABOR ORGANIZATION. International Chemical Workers Union Council/UFCW Local 527C is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, February 21, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in

Initials: _____

(b) (6), (b) (7)(C)

an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

5. ELECTION. The election will be conducted by United States mail. On **Tuesday, March 2, 2021**, the mail ballots will be mailed by the National Labor Relations Board, Region 02, to employees employed in the appropriate collective-bargaining unit.

Voters must sign in the signature box on the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void. Please refer to the instruction sheet for an example of where to sign.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on **Friday, March 26, 2021**.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Tuesday, March 9, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board either by calling the Region 02 office at (212)-264-0300, or by calling (212) 776-8616, or by contacting Region 02 at allen.rose@nrlb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel, restrictions, social distancing and limits on the size of gathering of individuals, the parties agree that the ballot count will take place on a date, to be determined by the Regional Director during the period from **Friday, April 2, 2021, to Friday, April 9, 2021, inclusive**. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director. The parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

Initials: (b) (6), (b) (7)(C)

the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Chemical Workers Union Council/UFCW Local 527C?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Mikele Simkins, 401 N. Middletown Road, Pearl River, New York 10965; tel. 845-602-5748; email: mikele.simkins@pfizer.com.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. **POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Pfizer, Inc.
(Employer)

(b) (6), (b) (7)(C)
(Petitioner)

By: _____
(Signature) (Date)

By: _____ Feb 23, 2021
(Date)

Print Name: _____

Print Name: _____
(b) (6), (b) (7)(C)

International Chemical Workers Union
Council/UFCW Local 527C
(Labor Organization)

By: _____
(Signature) (Date)

Print Name: _____

Recommended:



02/24/2021

Allen M. Rose,
Senior Field Attorney

Date

Date Approved: 2/24/2021



John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: _____

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Pfizer

Case 02-RD-272206

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Pfizer Inc., a Delaware corporation with an office and a place of business at its facility located at 401 North Middletown Road, Pearl River, New York, is engaged in the discovery, development, manufacturing, and marketing of its prescription products. Annually, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Pearl River, New York, facility goods valued in excess of \$50,000 directly from points outside the State of New York.

3. LABOR ORGANIZATION. International Chemical Workers Union Council/UFCW Local 527C is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

EXCLUDED: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, February 21, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in

Initials: EVJ

an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

5. ELECTION. The election will be conducted by United States mail. On **Tuesday, March 2, 2021**, the mail ballots will be mailed by the National Labor Relations Board, Region 02, to employees employed in the appropriate collective-bargaining unit.

Voters must sign in the signature box on the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void. Please refer to the instruction sheet for an example of where to sign.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on **Friday, March 26, 2021**.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Tuesday, March 9, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board either by calling the Region 02 office at (212)-264-0300, or by calling (212) 776-8616, or by contacting Region 02 at allen.rose@nrlb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel, restrictions, social distancing and limits on the size of gathering of individuals, the parties agree that the ballot count will take place on a date, to be determined by the Regional Director during the period from **Friday, April 2, 2021, to Friday, April 9, 2021**, inclusive. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director. The parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

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The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Chemical Workers Union Council/UFCW Local 527C ?" The choices on the ballot will be "Yes" or "No".

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Initials: EVJ

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Pfizer, Inc.
(Employer)

(b) (6), (b) (7)(C)
(Petitioner)

By: Edward V. Jeffrey 2/23/21
(Signature) (Date)

By: _____
(Signature) (Date)


Print Name: Edward V. Jeffrey, as counsel

Print Name: _____

International Chemical Workers Union
Council/UFCW Local 527C
(Labor Organization)

By: _____
(Signature) (Date)

Print Name: _____

Recommended:  02/24/2021
Allen M. Rose, Date
Senior Field Attorney

Date Approved: 2/24/2021



John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: EVJ

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Pfizer

Case 02-RD-272206

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Initials: _____

(b) (6), (b) (7)(C)

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Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on **Friday, March 26, 2021**.

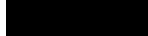
Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Tuesday, March 9, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board either by calling the Region 02 office at (212)-264-0300, or by calling (212) 776-8616, or by contacting Region 02 at allen.rose@nrlb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel, restrictions, social distancing and limits on the size of gathering of individuals, the parties agree that the ballot count will take place on a date, to be determined by the Regional Director during the period from **Friday, April 2, 2021, to Friday, April 9, 2021**, inclusive. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director. The parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

(b) (6), (b) (7)(C)

Initials:  _____

the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Chemical Workers Union Council/UFCW Local 527C ?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Mikele Simkins, 401 N. Middletown Road, Pearl River, New York 10965; tel. 845-602-5748; email: mikele.simkins@pfizer.com.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

(b) (6), (b) (7)(C)

Initials: _

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

Pfizer, Inc.
(Employer)

(b) (6), (b) (7)(C)
(Petitioner)

By: _____
(Signature) (Date)

By: _____
(Signature) (Date)


Print Name: _____

Print Name: _____


International Chemical Workers Union
Council/UFCW Local 527C
(Labor Organization)

By: (b) (6), (b) (7)(C) 2/23/2021
(Signature) (Date)

Print Name: (b) (6), (b) (7)(C) _____

Recommended:  02/24/2021
Allen M. Rose, Date
Senior Field Attorney

Date Approved: 2/24/2021



John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board

Initials: (b) (6), (b) (7)(C)



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. On Tuesday, March 2, 2021, the mail ballots will be mailed by the National Labor Relations Board, Region 02, to employees employed in the appropriate collective-bargaining unit. Voters must sign in the signature box on the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void. Please refer to the instruction sheet for an example of where to sign.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 02 office by close of business on Friday, March 26, 2021. Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Tuesday, March 9, 2021, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board either by calling the Region 02 office at (212)-264-0300, or by calling (212) 776-8616, or by contacting Region 02 at allen.rose@nrlb.gov.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel, restrictions, social distancing and limits on the size of gathering of individuals, the parties agree that the ballot count will take place on a date, to be determined by the Regional Director during the period from Friday, April 2, 2021, to Friday, April 9, 2021, inclusive. For the same reasons, the Parties further agree that the count will take place virtually

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**



on a platform (such as Zoom, Skype, WebEx, etc.) to be determined by the Regional Director. The parties further agree that each party will be allowed to have one observer attend the virtual ballot count. If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York who were employed by the Employer during the payroll period ending February 21, 2021.

EMPLOYEES NOT ELIGIBLE TO VOTE:

All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



UNITED STATES OF AMERICA
National Labor Relations Board

02-RD-272206

OFFICIAL SECRET BALLOT

For certain employees of
PFIZER INC.



Do you wish to be represented for purposes of collective bargaining by
International Chemical Workers Union Council/UFCW Local 527C?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (212)264-0300 or visit the NLRB website www.nlr.gov for assistance.

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.
7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at:

(212) 776-8616 or allen.rose@nrlb.gov

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY March 26, 2021

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for non representational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both employers and unions to know what is expected of them when it holds an election.

If agents of either unions or employers interfere with your right to a free, fair, and honest election, the election can be set aside by the Board. Where appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in the setting aside of the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes.

The National Labor Relations Board protects your right to a free choice

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 24, 2021

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@pfizer.com

Mikele Simkins
401 N. Middletown Road
Pearl River, New York 10965
mikele.simkins@pfizer.com

Danielle L. Murphy, Esq.
International Chemical Workers Union, Council of United Food and Commercial Workers
Union, Local 867c
1655 W. Market Street
6th Floor
Akron, OH 44313
dmurphy@icwuc.org

Re: Pfizer
Case 02-RD-272206

Dear (b) (6), (b) (7)(C), Ms. Simkins, and Ms. Murphy:

Enclosed is a copy of the election agreement that I have approved in this case. This letter will provide you with additional information about the voter list, posting the election notices, and the agreed-upon election arrangements.

Voter List

The employer must provide the regional director and parties an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters, **accompanied by a certificate of service** on all parties.

To be timely filed and served, the list must be *received* by the regional director and the parties by Friday, February 26, 2021. **The region will no longer serve the voter list.** The employer's failure to file or serve the list within the specified time or in the proper format is grounds for setting aside the election whenever proper and timely objections are filed. However, the employer may not object to the failure to file or serve the list in the specified time or in the proper format if it is responsible for the failure.

The list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Pursuant to Section 102.5 of the Board's Rules and Regulations, the list must be filed electronically by submitting (E-Filing) it through the Agency's website (www.nlr.gov), unless the Employer provides a written statement explaining why electronic submission is not possible or feasible. The Employer must also electronically serve the list on the other parties. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list is on the sending party.

Posting of Election Notices

Notices of Election will be electronically transmitted to the parties, if feasible, or by overnight mail if not feasible. Section 102.67(k) of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted. You must also distribute the Notice of Election electronically to any employees in the unit with whom you customarily communicate electronically. In this case, the notices must be posted and distributed **before 12:01 a.m. on Thursday, February 25, 2021**. If the Employer does not receive copies of the notice by Monday, March 29, 2021 it should notify the Regional Office immediately. Pursuant to Section 102.67(k), a failure to post or distribute the notice precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 10 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date and Time Mail Ballots to be Sent to Voters: Tuesday, March 2, 2021.

Date Voters Are Requested to Notify Regional Office if Mail Ballot Not Received or Replacement Ballot Is Needed: Tuesday, March 9, 2021.

Date Mail Ballots From Voters Must Be Received by Regional Office:
Friday, March 26, 2021.

Date, Time and Place of Ballot Count: The ballot count will takeplace on a date, to be determined by the Regional Director during the period from Friday, April 2, 2021 through April 9, 2021, inclusive.

Representatives of the parties are invited to attend and observe the ballot count at which time they must voice any challenges to any of the ballots.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If you have any questions, please feel free to contact Senior Field Attorney Allen Rose at telephone number (212) 776-8616 or by email at allen.rose@nrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

John J. Walsh, Jr.

JOHN J. WALSH, JR.
Regional Director

Enclosures

1. Approved Election Agreement
2. Designation of Observer Form
3. Description of Procedures in Election and Post-Election
Representation Case Procedures (Form 5547)

Cc: Edward V. Jeffrey, Esq.
Jackson Lewis P.C.
44 South Broadway, 14th Floor
White Plains, NY 10601
edward.jeffrey@jacksonlewis.com

DESIGNATION OF OBSERVER(S)

Re: Pfizer
Case 02-RD-272206

Pfizer hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

Pfizer
(Name of Party)

By: _____
(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Pfizer
Case 02-RD-272206

PETITIONER (b) (6), (b) (7)(C) hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

(b) (6), (b) (7)(C)

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Pfizer
Case 02-RD-272206

International Chemical Workers Union Council Local 527C hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

International Chemical Workers Union Council Local 527C

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION
REPRESENTATION CASE PROCEDURES**

Election -- A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When the election is conducted manually, each party may be represented by an observer of its own selection; whenever possible, a party shall select a current member of the voting unit as its observer, and when no such individual is available, a party should select a current nonsupervisory employee as its observer. When a voter appears at the poll to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. Where a request for review of a direction of election has been timely filed or upon specific direction by the Board, the ballot(s) that might be affected by the Board's decision on review will be segregated and all ballots will be impounded and remain unopened pending the Board's ruling or decision. Otherwise, the Board agent will count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballot or ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

Challenged Ballots -- If the challenged ballot or ballots are determinative, the Regional Director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to each of the determinative challenged ballots detailing why each of the challenged individuals is or is not eligible to vote. The Regional Director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

Objections -- Within 5 business days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether challenged ballots, if any, are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon request of a party and showing of good cause, the Regional Director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections must be faxed or E-Filed through the Agency's E-Filing system (www.nlrb.gov), absent a written statement explaining why electronic submission is not possible or feasible.

Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the Regional Director will issue a certification of the results of the election, including certification of representative where appropriate. However, the Regional Director will not issue a certification if a request for review of the decision and direction of election is pending.

Regional Office Investigation and Decisions without a Hearing -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and/or objections. If the Regional Director determines that the evidence described in the offer of proof in support of objections would not constitute grounds for setting aside

the election if introduced at a hearing, and/or the Regional Director determines that any determinative challenges do not raise substantial and material factual issues, the Regional Director will issue a decision disposing of the objections and/or determinative challenges.

Notices of Hearing on Challenges and/or Objections -- The Regional Director will schedule the hearing on challenges and/or objections 15 business days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the Regional Director may consolidate the hearing concerning objections and challenges with an unfair labor practice proceeding before an Administrative Law Judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the Administrative Law Judge will, after issuing a decision, sever the representation case and transfer it to the Regional Director for further processing. If there was no consent election, the Administrative Law Judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

Voluntary Resolution -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the Regional Director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the Regional Director. Agreement of the objecting party is not required.

Hearing on Challenges and/or Objections -- The hearing will continue from day to day until completed unless the Regional Director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and/or determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed within five business days after the close of the hearing, unless additional time is granted by the Hearing Officer prior to the close of hearing and upon showing of good cause.

Hearing Officer's Report and Exceptions -- After the hearing, the Hearing Officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 10 business days from the issuance of that report, any party may file with the Regional Director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Within 5 business days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Regional Director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the Regional Director. Thereafter, the Regional Director will decide the matter or make other disposition of the case. If no exceptions to the Hearing Officer's report are filed, the Regional Director may decide the matter upon the record or make other disposition of the case. The decision of the Regional Director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the Regional Director by motion, setting forth the reasons for exceeding the limit, pursuant to the procedures set forth in *§ 102.2(c) of the Board's Rules and Regulations*. If a brief exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents, including electronic documents, filed with the Regional Director must be formatted as double-spaced and in an 8 ½ by 11-inch format.

Request For Review by the Board -- In stipulated and directed election cases, any party may request Board review of

the Regional Director's post-election decision. The request for review must be filed with the Board within 10 business days of the Regional Director's post-election decision and must be served on the Regional Director and the other parties. This request for review of a Regional Director's post-election decision may be combined with a request for review of the Regional Director's pre-election decision and direction of election if the party has not previously filed a request for review of the decision and direction of election. A party may not, however, file more than one request for review of a particular action or decision by the Regional Director; repetitive requests will not be considered. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 5 business days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 10 business days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.

FORM NLRB-700 (6/15)		NATIONAL LABOR RELATIONS BOARD ELECTION ORDER SHEET	
1. CASE NAME Pfizer		2. CASE NUMBER Case 02-RD-272206	
3. BOARD AGENT Allen Rose		4. DATE February 24, 2021	
5. ALL ELECTIONS: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> BASIS FOR ELECTION: Stip MAIL BALLOTS? Yes STRIKE IN PROGRESS? No ARRANGEMENTS FOR DISCRIMINATEES TO VOTE NECESSARY? No CHALLENGES SPECIFIED IN DDE OR ELECTION AGREEMENT? <i>NO</i> </div> <div style="width: 48%;"> SPECIAL ELIGIBILITY FORMULA, e.g. Daniel? No SELF-DETERMINATION ELECTION: <u>No</u> EXPEDITED ELECTION pursuant to 8(b)(7)? No If yes, who? _____ </div> </div>			
Date of Election	Time and Place (Polling Area, Address, City & State)		No. of Polling Places
	Date of Mailing: Tuesday, March 2, 2021. Voters must return ballots by Friday, March 26, 2021 If a voter has not received ballot by Tuesday, March 9, 2021 , s/he must contact the Region immediately Ballots will be counted during the week of Friday, April 2, 2021, to Friday, April 9, 2021		n/a
IF MORE THAN ONE POLL, LANGUAGE FOR NOTICE ABOUT WHEN AND WHERE WILL COUNT TAKE PLACE? <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> ALL BALLOTS WILL BE MINGLED AND COUNTED IMMEDIATELY AFTER THE CONCLUSION OF THE LAST VOTING SESSION _____ </div> <div style="width: 60%;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input checked="" type="checkbox"/> </div> <div> Other (specify): the ballot count will take place on a date, to be determined by the Regional Director during the period from Friday, April 2, 2021, to Friday, April 9, 2021 </div> </div> </div> </div>			
6. PAYROLL PERIOD ENDING Sunday, February 21, 2020		7. UNIT: AS SET FORTH IN Stip	
8A. BALLOTS: Approx. number in unit: _____ 14 _____ Number of challenges expected: _____ 0 _____		8B. FOREIGN LANGUAGE BALLOT(S): NECESSARY? no Language(s) English	
8C. ORDER IN WHICH NAMES ARE TO APPEAR ON BALLOT WHERE MORE THAN ONE UNION IS INVOLVED N/A <i>(Note - Refer to Direction of Election or Agreement of parties for actual wording of names on ballots or notices of election)</i>			
(1)	(2)	(3)	(4)

<p>9A. NOTICES: Are sent to the parties promptly by email, facsimile or, by overnight mail where no email or facsimile information was provided.</p> <p>Notices must be posted by Employer (MIDNIGHT) 3 FULL WORKING DAYS before election</p>	<p>9B. FOREIGN LANGUAGE NOTICE(S) NECESSARY? NO</p> <p>IF YES, LANGUAGE(S):</p> <p>IF YES, ARE FURTHER ARRANGEMENTS NECESSARY TO ENSURE APPROPRIATE RESPONSES CAN BE MADE TO TELEPHONE INQUIRIES?</p>
<p>10. NOTIFICATIONS: DATE AND METHOD OF NOTIFICATION TO PARTIES THAT ELECTION AGREEMENT WAS APPROVED OR DDE ISSUED SEA approved as of 2/24/2021 by email.</p>	
<p>IN ELECTION AGREEMENT CASES, SEND APPROVED AGREEMENT AND LETTER REQUESTING VOTER LIST TO:</p> <p>Edward V. Jeffrey, Esq., Jackson Lewis P.C., 44 South Broadway, 14th Floor, White Plains, NY 10601, Direct: (914) 872-6883, Edward.Jeffrey@jacksonlewis.com</p>	
<p>DDE CASES, SEND ELECTION ARRANGEMENT/OBSERVER FORM LETTER TO:</p>	
<p>SEND NOTICES FOR EMPLOYER'S FACILITY TO (applicable where no email or facsimile information is provided):</p> <p>Mikele Simkins, 401 N. Middletown Road, Pearl River, New York 10965; tel. 845-602-5748; email: mikele.simkins@pfizer.com</p>	
<p>11. PRE-ELECTION CONFERENCE? Yes</p> <p>TBD</p> <p><i>(Place, Date and Time)</i></p>	
<p>12. OTHER PENDING CASES. Are there any other pending R cases that could have bearing on this case?</p> <p>If so, Case Number(s):</p> <p>No</p>	
<p>13. VOTER LIST:</p> <p>DID PARTY(IES) ENTITLED TO THE VOTER LIST WAIVE ALL OR ANY PORTION OF THE 10-DAY TIME PERIOD TO HAVE THE LIST? <u>YES</u> IF SO, HOW MANY DAYS WERE WAIVED? <u>SUFFICIENT TO KEEP HEARING DATE</u></p> <p>DATE LIST DUE: <u> List due on Friday, 2/26/2021 </u> (To be timely filed and served the list must be served on the parties within two business days after the approval of an election agreement or the direction of election unless a longer period of time was specified in the agreement or the direction of election.)</p> <p>ARE SEPARATE ELIGIBILITY LISTS NEEDED? No</p> <p>ELECTRONIC FORMAT: DID THE PARTIES AGREE TO AN ALTERNATE ELECTRONIC FORMAT FOR THE VOTER LIST (OTHER THAN A TABLE IN MICROSOFT WORD FILE OR FILE THAT IS MICROSOFT WORD COMPATIBLE)? NO</p> <p>OTHER (EXPLAIN)</p>	

14. VOTING ARRANGEMENTS (Check)

RELEASING: By Observers: ____ By Board Agent(s): ____ By Supervisors: ____
Self-releasing: ____ By Intercom: ____

VOTING WILL TAKE PLACE: According to a Schedule ____ During Working Hours ____
On Employees' Own Time ____ Other (Specify) ____

IS THIS A LARGE OR COMPLEX ELECTION? NO IF YES, IS VOTER IDENTIFICATION NECESSARY? ____

SELECT NOTICE LANGUAGE FROM CHOICES BELOW ABOUT VOTING ARRANGEMENTS: 5.

1. EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.
2. YOU WILL BE NOTIFIED AT THE TIME WHEN YOU MAY GO TO VOTE.
3. IF YOU WISH, YOU MAY VOTE ON YOUR OWN TIME WHILE THE POLLS ARE OPEN.
4. YOU MAY VOTE ON EMPLOYER TIME IN ACCORDANCE WITH THE ATTACHED VOTING SCHEDULE.
5. NO LANGUAGE

15. EQUIPMENT

QUANTITY FURNISHED BY

____ BOOTHES ____
____ CHAIRS ____
____ TABLES ____
____ BALLOT BOXES ____

SPECIAL EQUIPMENT (Specify):

16. NAME AND PHONE NUMBER OF EMPLOYER ATTORNEY OR, IF NONE, AUTHORITATIVE COMPANY REPRESENTATIVE

Edward V. Jeffrey, Esq., Jackson Lewis P.C., 44 South Broadway, 14th Floor, White Plains, NY 10601, Direct: (914) 872-6883, Edward.Jeffrey@jacksonlewis.com

17. OBSERVERS: Number of Observers for each party 1 observer each party at count

18. MAIL BALLOT ELECTIONS OR MIXED MANUAL-MAIL ELECTION

WILL EMPLOYER PROVIDE MAILING LABELS? [Er has not so stated]

DATE MB KITS TO BE SENT TO EMPLOYEES: Tuesday, March 2, 2021 (NOTIFY PARTIES AT LEAST 11 DAYS PRIOR)

DATE TO NOTIFY RO IF NOT RECEIVED: Tuesday, March 9, 2021, voter contact the Region immediately

DATE TO BE COUNTED TIME & PLACE TO BE COUNTED: Friday, April 2, 2021, to Friday, April 9, 2021

19. REMARKS: (INCLUDE DIRECTIONS TO FACILITY, IF AVAILABLE, AND ANY SPECIAL ELECTION OR UNUSUAL CIRCUMSTANCES. COMMUNICATE ANY CHANGES IN THESE ARRANGEMENTS TO REGIONAL MANAGER AND ELECTION CLERK.)

Pfizer, Inc.
Case 02-RD-272206

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2021, I caused the foregoing List of Eligible Voters, formatted as a Word document, to be filed with the Regional Director using the NLRB E-Filing system. I further certify that I caused a copy to be served via electronic mail upon the following, at the email addresses listed below:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [@pfizer.com](mailto:_____@pfizer.com)

Danielle L. Murphy, Esq.
International Chemical Workers Union
Council of United Food and Commercial Workers Union, Local 867c
1655 W. Market Street, 6th Floor
Akron, OH 44313
dmurphy@icwuc.org

Allen M. Rose, Senior Field Attorney
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, NY 10278-0104
allen.rose@nrlb.gov

By: /s/ Edward V. Jeffrey
Edward V. Jeffrey
Jackson Lewis P.C.
44 South Broadway, 14th Floor
White Plains, NY 10601
edward.jeffrey@jacksonlewis.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 1, 2021

edward.jeffrey@jacksonlewis.com

Edward V. Jeffrey, Esq.
Jackson Lewis P.C.
44 South Broadway, 14th Floor
White Plains, NY 10601

(b) (6), (b) (7)(C) [\[REDACTED\]@pfizer.com](mailto:[REDACTED]@pfizer.com)

(b) (6), (b) (7)(C)

dmurphy@icwuc.org

International Chemical Workers Union, Council of United Food and Commercial Workers
Union, Local 867C
Attn: Danielle L. Murphy, Counsel for ICWUC
1655 W. Market Street
6th Floor
Akron, OH 44313

rvehar@ufew.org

Attn: Randall Vehar, Esq.
International Chemical Workers Union Council (ICWUC) United Food and Commercial
Workers
1655 W. Market Street, 6th Floor
Akron, OH 44313

Re: Pfizer
Case No. 02-RD-272206

Dear Mr. Jeffrey, (b) (6), (b) (7)(C), Ms. Murphy, Mr. Vehar:

This letter is to notify you that mail ballot kits will be forwarded to the eligible mail ballot voters at 2:00 pm, on March 2, 2021. In order for their mail ballots to be counted, the employees should deposit their ballot in the United States mail so that it is received in the Regional Office no later than March 26, 2021.

Employers and unions are prohibited from making speeches on company time to massed assemblies within the 24 hour period prior to the start of an election until the close of the election. *Peerless Plywood Co.*, 107 NLRB 427, 429 (1953); *Guardsmark, Inc.*, 363 NLRB No. 103 (2016).

Enclosed is a copy of Form NLRB-4175 Instructions to Eligible Employees Voting by United States Mail, which will be sent to voters with their mail ballot packet.

If you have any questions, please contact Senior Field Attorney Allen Rose at telephone number (212)776-8616 or by email at allen.rose@nlrb.gov.

Very truly yours,

Allen Rose
Senior Field Attorney

Enclosure: Form NLRB-4175

FORM NLRB-4175

(5-20)

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.
7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at 212-264-0300. If you have any questions, please contact Senior Field Attorney Allen Rose at telephone number (212)776-8616 or by email at allen.rose@nlrb.gov.

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY March 26, 2021

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for non representational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both employers and unions to know what is expected of them when it holds an election.

If agents of either unions or employers interfere with your right to a free, fair, and honest election, the election can be set aside by the Board. Where appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in the setting aside of the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes.

The National Labor Relations Board protects your right to a free choice

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT

From: [Danielle Murphy](#)
To: [Rose, Allen](#)
Cc: [Jeffrey, Edward V. \(White Plains\)](#); (b) (6), (b) (7)(C) [Randy Vehar](#)
Subject: Re: URGENT -- Pfizer, Case 02-RD-272206
Date: Friday, March 12, 2021 7:56:29 AM

This is fine. Thank you.

Sent from my iPhone

On Mar 11, 2021, at 4:05 PM, Rose, Allen <Allen.Rose@nlrb.gov> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parties,

(b) (6), (b) (7)(C) brought to the attention of the Region that there is a typographical error in the name of the Union on the ballot: the Union local is incorrectly identified as "Local 52" rather than "Local 527C." Although the sample ballot attached to the Notice of Election was correct, the ballots that were sent to the voters contained the error. The Region regrets the error.

Consequently, the Regional Director has decided to issue an order that the election will be **rescheduled**. Please note the following:

- No new stipulation needs to be reached – the rescheduling will be done by order of the Regional Director.
- The payroll cutoff date and the voter list will remain the same – no new list needs to be served on the parties.
- A new Notice of Election will be produced by the Region and sent to the Employer. (In accordance with the Board's decision in *Builders Insulation, Inc.*, 338 NLRB 793 (2003), when the originally scheduled election did not occur through no fault of the parties, the standard notice of election shall be modified to include a statement that the election is being rescheduled for administrative reasons beyond the control of the employer or the union, or the petitioner.)
- New ballots will be sent to the voters.

Before the rescheduling order is issued, I want to propose the following as the new relevant dates of the election.

- Ballots will be mailed by Region 2 on **Friday, March 19, 2021**.
- Voters must return their mail ballots so that they will be received in the Region 2 office by close of business on **Friday, April 9, 2021**.

- Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Friday, March 26, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board.
- The ballot count will take place on a date, to be determined by the Regional Director, during the period from **Friday, April 16, 2021, to Friday, April 23, 2021**, inclusive.

Please let me know as soon as possible your position on the new dates.

Sincerely,

Allen Rose
NLRB Region 2
212-776-8616

From: [Jeffrey, Edward V. \(White Plains\)](#)
To: [Rose, Allen](#); [Danielle Murphy](#); (b) (6), (b) (7)(C)
Cc: [Randy Vehar](#)
Subject: RE: URGENT -- Pfizer, Case 02-RD-272206
Date: Friday, March 12, 2021 9:07:43 AM

Mr. Rose –

These dates are acceptable to the Employer.

Ed Jeffrey

Edward V. Jeffrey

Attorney at Law

Jackson Lewis P.C.

44 South Broadway

14th Floor

White Plains, NY 10601

Direct: (914) 872-6883 | Main: (914) 872-8060

Edward.Jeffrey@jacksonlewis.com | www.jacksonlewis.com

[Visit our resource page](#) for information and guidance on COVID-19's workplace implications

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Thursday, March 11, 2021 4:05 PM
To: Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; (b) (6), (b) (7)(C) @pfizer.com>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: URGENT -- Pfizer, Case 02-RD-272206

[EXTERNAL SENDER]

Parties,

(b) (6), (b) (7)(C) brought to the attention of the Region that there is a typographical error in the name of the Union on the ballot: the Union local is incorrectly identified as "Local 52" rather than "Local 527C." Although the sample ballot attached to the Notice of Election was correct, the ballots that were sent to the voters contained the error. The Region regrets the error.

Consequently, the Regional Director has decided to issue an order that the election will be **rescheduled**. Please note the following:

- No new stipulation needs to be reached – the rescheduling will be done by order of the

Regional Director.

- The payroll cutoff date and the voter list will remain the same – no new list needs to be served on the parties.
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- The ballot count will take place on a date, to be determined by the Regional Director, during the period from **Friday, April 16, 2021, to Friday, April 23, 2021**, inclusive.

Please let me know as soon as possible your position on the new dates.

Sincerely,

Allen Rose
NLRB Region 2
212-776-8616

From: (b) (6), (b) (7)(C)
To: [Rose, Allen](#); [Danielle Murphy](#); [Jeffrey, Edward V. \(White Plains\)](#)
Cc: [Randy Vehar](#)
Subject: RE: URGENT -- Pfizer, Case 02-RD-272206
Date: Friday, March 12, 2021 8:39:32 AM

I am fine with it too. Thank you.

From: Rose, Allen <Allen.Rose@nlrb.gov>
Sent: Thursday, March 11, 2021 4:05 PM
To: Danielle Murphy <dmurphy@icwuc.org>; Jeffrey, Edward V. (White Plains) <Edward.Jeffrey@jacksonlewis.com>; (b) (6), (b) (7)(C) @pfizer.com>
Cc: Randy Vehar <rvehar@icwuc.org>
Subject: [EXTERNAL] URGENT -- Pfizer, Case 02-RD-272206

Parties,

(b) (6), (b) (7)(C) brought to the attention of the Region that there is a typographical error in the name of the Union on the ballot: the Union local is incorrectly identified as "Local 52" rather than "Local 527C." Although the sample ballot attached to the Notice of Election was correct, the ballots that were sent to the voters contained the error. The Region regrets the error.

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- A new Notice of Election will be produced by the Region and sent to the Employer. (In accordance with the Board's decision in *Builders Insulation, Inc.*, 338 NLRB 793 (2003), when the originally scheduled election did not occur through no fault of the parties, the standard notice of election shall be modified to include a statement that the election is being rescheduled for administrative reasons beyond the control of the employer or the union, or the petitioner.)
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Board.

- The ballot count will take place on a date, to be determined by the Regional Director, during the period from **Friday, April 16, 2021, to Friday, April 23, 2021**, inclusive.

Please let me know as soon as possible your position on the new dates.

Sincerely,

Allen Rose
NLRB Region 2
212-776-8616

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

PFIZER, INC.

Employer

and

Case 02-RD-272206

(b) (6), (b) (7)(C)

Petitioner

and

**CHEMICAL WORKERS UNION COUNCIL/UFCW
LOCAL 527C**

Union

ORDER RESCHEDULING MAIL BALLOT ELECTION

On February 24, 2021, I approved a Stipulated Election Agreement (“the Agreement”) in the above-captioned matter, entered into by the parties and scheduling an election by mail ballot to be conducted between March 2 and 26, 2021. In the Agreement, the parties agreed that, if the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election and/or the count.

For administrative reasons beyond the control of the Employer, the Petitioner, or the Union, I have determined that the election must be rescheduled and new ballots issued to the voters. **The previous ballots mailed to the voters that are Yellow in color will be considered void and will not be counted. Voters must vote using the new ballot soon to be mailed to you. The new ballot will not be Yellow in color.** Having obtained the agreement of the parties to change the

relevant dates in the Agreement necessary to reschedule the election and use new different color ballots,

IT IS HEREBY ORDERED that on **Friday, March 19, 2021**, the new mail ballots will be mailed by the National Labor Relations Board, Region 2, to employees employed in the appropriate collective-bargaining unit set forth the Agreement. Voters must return their new mail ballots so that they will be received in the National Labor Relations Board, Region 2 office by close of business on **Friday, April 9, 2021**. Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Friday, March 26, 2021**, or made a mistake or otherwise require a duplicate mail ballot kit be sent to them, should communicate immediately with the National Labor Relations Board by the means set forth in the Agreement. For the reasons set forth in the Agreement, the ballot count will take place on a date, to be determined by the Regional Director, during the period from **Friday, April 16, 2021, to Friday, April 23, 2021**, inclusive. All other voting procedures of the rescheduled election will remain as set forth in the Agreement.

Inasmuch as the dates for the election have been changed from the dates in the Notice of Election, the Employer should post this Order next to the Notice of Election and distribute electronically, if appropriate.

Dated: March 12, 2021



John J. Walsh, Jr., Regional Director
National Labor Relations Board, Region 02
26 Federal Plz ,Ste 3614
New York, NY 10278-3699

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

PFIZER

Employer

and

Case 02-RD-272206

(b) (6), (b) (7)(C)

Petitioner

and

CHEMICAL WORKERS UNION

COUNCIL/UFCW LOCAL 527C

Union

ORDER SCHEDULING BALLOT COUNT

Pursuant to a Stipulated Election Agreement approved by the Regional Director on February 24, 2021, a mail ballot election in this matter had been originally scheduled to begin on March 2, 2021. On March 12, 2021, An Order Rescheduling Mail Ballot Election issued directing that new mail ballots be sent to the employees on March 19, 2021, and the deadline for those mail ballots to be received in Region 2 be set at April 9, 2021. The Order Rescheduling Mail Ballot further provided that the mail ballots will be counted virtually on a platform (such as Zoom, Skype, etc.) to be determined by the Regional Director, on a date to be determined by the Regional Director during the period from **Friday, April 16, 2021**, through **Friday, April 23, 2021**, inclusive; and that the Region would provide notice to the parties of the scheduled date for the count at least 24 hours prior to the count. Accordingly,

IT IS ORDERED that the mail ballot election count is hereby scheduled for **Wednesday, April 21, 2021, at 1:00 p.m.**, via Zoom (scheduling and invitation details to be provided). All other details shall remain the same as those contained in the Stipulated Election Agreement.

Dated: April 19, 2021



John J. Walsh, Jr.
Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Suite 3614
New York, NY 10278-3699

PFIZER, INC.,
Employer

And

(b) (6), (b) (7)(C)
Petitioner

And

INTERNATIONAL CHEMICAL WORKERS UNION,
COUNCIL/UFCW LOCAL 527C
Union

Case No. 02-RD-272206

Date Filed February 3, 2021

Date Issued April 21, 2021

City New York

State NY

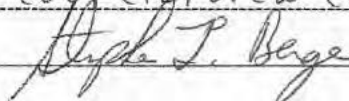
(If applicable check
either or both:)Type of Election:
(Check one:)☒ Stipulation☐ Board Direction☐ Consent Agreement☐ 8(b) (7)☒ Mail Ballot☐ RD Direction Incumbent Union (Code)

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

- | | |
|---|------------------------|
| 1. Approximate number of eligible voters | 15 |
| 2. Number of Void ballots | 0 |
| 3. Number of Votes cast for
INTERNATIONAL CHEMICAL WORKERS UNION,
COUNCIL/UFCW LOCAL 527C | 5 |
| 4. Number of Votes cast for
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX | - |
| 5. Number of Votes cast for
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX | - |
| 6. Number of Votes cast against participating labor organization(s) | 9 |
| 7. Number of Valid votes counted (sum 3, 4, 5, and 6) | 14 |
| 8. Number of challenged ballots | 0 |
| 9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) | 14 |
| 10. Challenges are (not) sufficient in number to affect the results of the election. | |
| 11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for
WORKERS UNION COUNCIL/UFCW LOCAL 527C | INTERNATIONAL CHEMICAL |

For the Regional Director



The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For PFIZER, INC.,

For (b) (6), (b) (7)(C)

For INTERNATIONAL CHEMICAL WORKERS UNION,
COUNCIL/UFCW LOCAL 527C

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

PFIZER, INC.

Employer

and

(b) (6), (b) (7)(C)

Petitioner

Case 02-RD-272206

and

**INTERNATIONAL CHEMICAL WORKERS
UNION, COUNCIL/UTCW LOCAL 527C**

Union

TYPE OF ELECTION: STIPULATED

CERTIFICATION OF RESULTS OF ELECTION

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has not been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots has not been cast for any labor organization and that no labor organization is the exclusive representative of the employees in the bargaining unit described below.

Unit:

Included: All full-time and regular part time employees, as described in Article I of the parties' collective bargaining agreement, employed by the Employer at its Pearl River Location in New York.

Excluded: All administrative, business support, and exempt employees, guards, and supervisors as defined in the Act.



May 3, 2021

John J. Walsh, Jr.
Regional Director, Region 2
National Labor Relations Board